

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHERYL SNYDER,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. 3:13-cv-05075-BHS-KLS

REPORT AND RECOMMENDATION
DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS

Noted for March 1, 2013

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local Rule MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a complaint to review and set aside a decision of the Social Security Administration under 42 U.S.C. § 405(g). Because plaintiff's application indicates she has sufficient income with which to pay the \$350.00 filing fee, the undersigned recommends that the court deny the application.

DISCUSSION

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the Court has broad discretion in denying an application to proceed *in forma pauperis*. Weller v. Dickson, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).

By requesting the court to proceed *in forma pauperis*, plaintiff is asking the government to incur the filing fee because she allegedly is unable to afford the costs necessary to proceed

1 with her cause of action. In her application, plaintiff reports that her spouse earns \$47,559.72.
2 See ECF #1, p. 1.¹ While the undersigned recognizes that plaintiff also has reported significant
3 monthly expenses (see ECF #1, p. 2), given that the size of her spouse's income, and that there
4 are no other persons who are dependent upon plaintiff for support (see id.), it is not unreasonable
5 to expect her to pay the required filing fee.

6 CONCLUSION

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8 Because it is reasonable for plaintiff to incur the costs to proceed with this cause of
9 action, the undersigned recommends that the court deny her application to proceed *in forma*
10 *pauperis*. Accordingly, the undersigned also recommends that the court order plaintiff to pay the
11 required filing fee within thirty (30) days of the court's order.

12 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedures ("Fed. R.
13 Civ. P.") 72(b), the parties shall have ten (10) days from service of this Report and
14 Recommendation to file written objections thereto. *See also* Fed.R.Civ.P. 6. Failure to file
15 objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474
16 U.S. 140 (1985). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is
17 directed set this matter for consideration on **March 1, 2013**, as noted in the caption.

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19 DATED this 11th day of February, 2013.

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23 Karen L. Strombom
24 United States Magistrate Judge
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¹ The application indicates this is the total amount of plaintiff's husband's net monthly salary, but it seems more likely instead that it is her husband's annual take home pay. See id.